

*See Attachment*

7  
7/26/01  
KSM

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL RUSSELL,

Petitioner,

v.

MARTIN F. HORN, et. al.,

Respondents

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CIVIL NO. 1:CV-01-1024

(Judge Caldwell)

**FILED**  
HARRISBURG, PA

JUL 26 2001

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

MARY E. D'ANDREA, CLERK  
Per KSM  
Deputy Clerk

On June 8, 2001, Michael Russell, an inmate at the State Correctional Institution at Waymart, Waymart, Pennsylvania, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

By Administrative Order dated July 3, 2001, the petitioner was notified of the limitations upon his right to file another habeas corpus petition in the future if his current petition is considered by the court. Petitioner was granted forty-five (45) days within which to notify the court of his intentions to either withdraw the current petition without prejudice to filing another § 2254 petition raising all grounds for relief from his conviction; or have the current § 2254 petition ruled on as filed. (Doc. 5).

On July 16, 2001, the petitioner filed a "Petition to withdraw current habeas corpus petition under Rule 2254 and resubmit a correct habeas corpus petition under Rule 2254". (Doc. 6).

Certified from the record

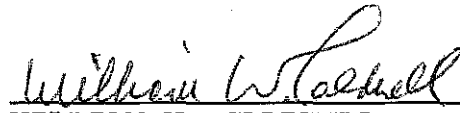
Date 7/26/01

Mary E. D'Andrea, Clerk

Per John Edward Michael  
Deputy Clerk

Accordingly, this 26<sup>th</sup> day of July, 2001, it is ordered  
that:

1. The petition for a writ of habeas corpus is dismissed, without prejudice, to allow petitioner to file another § 2254 petition raising all grounds for relief from his conviction.
2. The Clerk of Court shall close this case.
3. There is no basis for the issuance of a certificate of appealability.

  
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WILLIAM W. CALDWELL  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

July 26, 2001

Re: 1:01-cv-01024 Russell v. Horn

True and correct copies of the attached were mailed by the clerk  
to the following:

Michael Russell  
SCI-WAYMART  
CM-0064  
P.O. Box 256  
Route 6  
Waymart, PA 18472-0256

cc:		
Judge	( )	( ) Pro Se Law Clerk
Magistrate Judge	( )	( ) INS
U.S. Marshal	( )	( ) Jury Clerk
Probation	( )	
U.S. Attorney	( )	
Atty. for Deft.	( )	
Defendant	( )	
Warden	( )	
Bureau of Prisons	( )	
Ct Reporter	( )	
Ctroom Deputy	( )	
Orig-Security	( )	
Federal Public Defender	( )	
Summons Issued	( )	with N/C attached to complt. and served by: U.S. Marshal ( ) Pltf's Attorney ( )
Standard Order 93-5	( )	
Order to Show Cause	( )	with Petition attached & mailed certified mail to: US Atty Gen ( ) PA Atty Gen ( ) DA of County ( ) Respondents ( )
Bankruptcy Court	( )	
Other	( )	

MARY E. D'ANDREA, Clerk

DATE: 7/26/01

BY: 15m  
Deputy Clerk